

PLANNING AND ZONING BOARD
MARCH 14, 2007

1. ROLL CALL

The meeting was called to order at 7:05 p.m. Board members present were Chair Mike Bender, Vice-Chair Scott McLaughlin, Philip Busey, John Stevens and Mimi Turin. Site Plan Committee members present were Chair Bob Breslau and Vice-Chair Jeff Evans. Also present were Attorney Jamila Alexander, Planning and Zoning Manager Bruce Dell, Deputy Planning and Zoning Manager Marcie Nolan, Planner Ingrid Allen, and Board Secretary Janet Gale recording the meeting.

2. APPROVAL OF MINUTES: January 24, 2007

Chair Bender asked for a motion on the approval of minutes for January 24, 2007.

Mr. Busey so moved, seconded by Ms. Turin. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Chair Bender advised that there was a request to take item 4.1 prior to the presentation. He asked for a motion to take item 4.1 first.

Vice-Chair McLaughlin so moved, seconded by Mr. Stevens. In a voice vote, all voted in favor. **(Motion carried 5-0)**

4.1 V 12-1-06, Moses, 2353 SW 132 Way (Residential, A-1)

Tom and Ilana Moses, the petitioners, were present. Ms. Allen summarized the planning report.

Mr. Busey asked if the comment that there was 50-feet between the two houses had any significance. Ms. Ingrid advised that the Code required 60-feet between structures; however since both houses had 25-foot setbacks, the 50-foot distance was for informational purposes only.

Vice-Chair McLaughlin clarified that there had not been any variance requests for this development since 2006. Ms. Allen indicated that he was correct.

Mr. Moses explained that they were trying to accomplish an addition that looked like a continuation of their home rather than an 'add on.'

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Vice-Chair McLaughlin commented that he had no problem with this type of variance for that area; however, he would request or make a stipulation to the petitioner that some type of landscaping plan should be provided for the long wall that would result from the addition. Mr. Moses responded that they planned on having extensive landscaping which would be submitted when he applied for his building permit.

Mr. Busey made a motion, seconded by Mr. Stevens, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – yes; Mr. Busey – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 5-0)**

3. PRESENTATION: RAC Master Plan Study – EDSA

Ms. Nolan gave a brief synopsis of the project which the Town, the Department of Transportation, Nova Southeastern University, Florida Atlantic University, the Forman Family and the Community Redevelopment Agency intended to accomplish. She emphasized that the Regional Activity Center Master Plan was an elaborate, extensive undertaking which would result in a master plan, land development regulations, and a land use amendment package which would bring the vision of the Agency's Downtown plan and all the universities' master plans to redevelop to this corridor along Davie Road to make it the educational complex it could and should be. Ms. Nolan advised that before entering the fourth phase of the project, this would be a good time to get feedback from the Site Plan Committee and the Planning and Zoning Board.

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Kona Gray provided a PowerPoint presentation on the Davie Regional Activity Center (RAC) Development District which consisted of 2,200 acres bordered by University Drive, I-595, Florida's Turnpike and Griffin Road. The study was developed to produce a Master Plan and Design Standards that would ensure the responsible redevelopment of the Davie RAC Development District. Mr. Gray advised that the study was unconventional in that the land use development evolved from the transportation issues that impacted the Town. Important elements of the plan which were explained by Mr. Gray were that it be pedestrian friendly to foster economic growth, that there be connectivity between thoroughfares to disburse traffic; increase density to encourage mass transit; and that the mixed use concept provided living, working and playing in the same area. Visual images were used in the presentation to punctuate specific points derived in the study. Although the first three phases consisted of professional opinions of what the RAC Development District should be, the next steps would be market driven and to work with an economist in order to understand what sort of things would be happening in the future to justify the Master Plan solutions.

A question and answer segment followed the presentation. Mr. Evans asked how the plan would reduce speeding along Davie Road as it was a common, fast cut-thru. Mr. Gray spoke of various ways to slow down traffic without reducing capacity. Ms. Nolan interjected that the consequence of providing connectivity to Davie Road was to have "ease to disburse" and would change the nature of the road. She emphasized that an Oakes Road bridge would be a crucial element to the success of the RAC, the Transit Oriented Corridor, and to achieve traffic redirection from Davie Road.

Mr. Evans suggested that "green design" incentives be encouraged. Mr. Gray responded affirmatively and spoke of completing green development codes for the City of Oakland Park. Mr. Evans asked that it be broadened to include other registered certifying agencies besides the Leeds Program in order to keep the certification process simple so it would be practiced more often. Mr. Gray indicated that he had the same observation and spoke of the popularity of green certification out West. Both agreed that while green development should be a priority, it would not be taken seriously until there was a crisis. Mr. Gray indicated that they would encourage builders through incentives and making the process simpler.

Mr. Breslau spoke of the project from a different viewpoint and his concern regarded funding since the concept revolved around traffic and mass transit components. Mr. Gray responded that there was quite a bit of money at the federal and state levels and that was why DOT was a partner in the effort. The money was not being used because we did not have a master plan in place and proposals for new development in place, and because the Town was not out there looking for the grants, those agencies were not even looking at the Town. He stated that state and federal levels was where the project would be headed; however, in the meantime funding would probably come from TIF financing, the Community Redevelopment Agency and the Federal Transit Authority. Mr. Gray indicated that there were options which had not been "tapped into" yet. The next level of the study would be an economical analysis by economic research associates who were expected to give guidance for the project.

Mr. Breslau asked if it was reasonable to say that although a master plan was developed, density was not increased until there was mass transit in place or at least funded. Mr. Gray agreed and indicated that there would be incremental phases and when certain levels of density were reached, it would trigger exactly that. He added that there could not be more density without transit. Ms. Nolan explained that the County had adopted transit concurrency which took the place of traffic concurrency and explained how the funding worked. Mr. Breslau asked if the County's transit funds were spent in the community which was being developed or if was to be distributed throughout the County. Ms. Nolan responded that the County's transit fund was area specific and all of the funds that were paid into the Town's zone would be spent on the Town's zone.

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Chair Bender cautioned that if and when connectivity was planned, there should be a saturation of accurate information given to the public in order to avoid the “rumor mill” from getting started. He believed that it was critical that the residents were informed and supported the project. Chair Bender indicated that he would like to see some kind of financial center in the plans as well as a strong “workforce housing” component. He believed both would be needed in order for the plan to work. Chair Bender was not sold on the 12-story buildings, however.

Vice-Chair McLaughlin viewed this enterprise as a great option for the rebuilding of the eastern portion of Davie and an opportunity to pull in the gem of the educational provisions of the Town and create something unique. He was somewhat reluctant about building higher than six stories.

Mr. Busey agreed with Chair Bender’s concern that the general public should be educated so that it would have an understanding and could participate more actively in the development of this project. He suggested that this have its own website with the opportunity for user interaction. Mr. Busey expressed that attainable housing was not just important, it was urgently needed. He asked if Mr. Gray would specify what would be done to inform the general public on who would benefit from the project and how they could have input.

Mr. Gray advised that part of the study was to be a community based educational process that would be Web based and interactive. Two workshops had taken place with the general public and it had been attended by a cross section of the general public which contributed valuable input to the development of this project. Mr. Gray defined “we” as all those present.

Mr. Breslau spoke to the issue of economic reality in implementing this plan. His concern was that this plan was an “overlay” on existing businesses and that to demolish a business, then purchase the land and rebuild, it would be terribly expensive. Mr. Breslau understood from a development standpoint that it would not be economically feasible to build less than a ten-story building. At some point, the community would have to get comfortable with the heights of 10 and 12-story buildings. He did not know if the plan could be implemented or be successful without the high density that was being proposed.

Mr. Evans suggested that drawings of the tiered buildings increasing from two-stories on up would help people visualize the project. By gradually increasing the height, a pedestrian would not see the multi-level buildings behind the two-story buildings from their line of sight.

Chair Bender recommended that a half-hour presentation that ran periodically on the Davie television channel would be a helpful tool to inform the public.

Vice-Chair McLaughlin suggested that the project include a historical district which Mr. Gray found amenable.

The Board recessed at 8:15 p.m. and reconvened at 8:20 p.m.

4. PUBLIC HEARING

Variance

4.1 V 12-1-06, Moses, 2353 SW 132 Way (Residential, A-1)

This item was approved earlier in the meeting.

Special Permit

4.2 SE 9-1-06, Stiles Corporation, 2100 SW 154 Street (Agricultural, A-1)

Don Winsett, Bob Slater and Joe Costelli, representing the petitioner, were present. Ms. Allen summarized the planning report.

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Chair Bender asked what the Code violation was about. Mr. Dell explained that a citizen complained that the trucks entering and leaving the site were making such wide turns that they crossed over the pavement and the ruts they made on the shoulder were causing the road to erode.

Mr. Busey commented that the proposed use was the same as the existing use. Ms. Allen stated that he was correct. Mr. Dell explained that there had never been a special permit obtained for this specific use and that this was designed to get everything into compliance and correct the second part of the Code violation.

Mr. Winsett explained that they owned the property for three years and continued the established operations. In their attempt to apply for a trailer on the property, they found out that a permit had never been issued for their operation.

Mr. Winsett told how the trailer would be used to house tools and provide cover during a storm. He dispelled the misconception that the site was primarily used as a nursery and explained it was more of a holding area for plants and mulch to be distributed to other sites.

A lengthy discussion ensued regarding the use category; however, the issue was not determined as this use description had not been addressed in the Code.

Ms. Turin indicated that she was more concerned with the Code violation regarding the road and if it would be resolved. Mr. Winsett responded that he had recently been advised of the violation and indicated that he could fill in the truck ruts, lay down rock or more asphalt, whatever repairs were needed if it was approved. Mr. Dell speculated that notice had not been served on the petitioner because they were going through this process and that the issue would be resolved.

Chair Bender did not have a problem with the agricultural use, his concern was with vermin. He asked if the petitioner was willing to post a bond in case vermin became a problem. Mr. Winsett responded that a bond could be posted for both the vermin as well as the road repairs.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, he closed the public hearing.

Mr. Busey felt that the petitioner was already compliant from the agricultural point of view. He felt what needed to be considered was the application for the trailer.

Chair Bender reiterated that he had no problem with the request he just wanted the area to be maintained against pests.

Vice-Chair McLaughlin disclosed that his company did a lot of work with Stiles Corporation. Ms. Alexander recommended that he abstain from voting and discussion. Chair Bender advised Ms. Alexander that in the past, this Board had participated in the discussion although they would abstain from voting. Ms. Alexander indicated that she would research the issue because she was not totally familiar with the Town's Code.

Mr. Stevens made a motion, seconded by Chair Bender, to approve subject to the posting of a sufficient bond to be set by Town Council for pest removal and road repairs if required. In an additional comment, it was the consensus of the Board to apprise Council that the Board did not believe that the special permit was required for the use. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – abstained; Mr. Busey – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 4-0)**

5. OLD BUSINESS

There was no old business discussed.

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6. NEW BUSINESS

Mr. Dell advised the Board that the Planning and Zoning Division wanted to attempt to have one meeting a month instead of two. If it was necessary because of a contentious item or an emergency of some kind, a second meeting would take place for that purpose. Board members were amenable to the attempt on a trial basis; however, Chair Bender cautioned that he would not want the one meeting to last until the wee hours of the morning. Mr. Dell responded that the intent was to have any problematic items kept for the second meeting when necessary.

7. COMMENTS AND/OR SUGGESTIONS

Chair Bender observed that at Council meetings, very rarely were staff reports given in front of Council which included the Board's recommendations and how it voted. He felt it was a disservice to the public as well as the Board if the information was withheld. Mr. Dell explained that it had been requested that the reports be streamlined for the sake of time; however, he would bring it to the attention of his Director and the Town Administrator to see if it could be added.

Vice-Chair McLaughlin asked if the comments and/or suggestions portion of the meeting was specifically for Board members or if it was to be opened to the public. Although he had allowed it to happen on the occasion when he chaired a meeting, he wanted to know if it was the correct procedure. Chair Bender responded that he had always been liberal about it; however, if it was a problem, he could refrain from doing so in the future. He asked the Board attorney for her opinion. Ms. Alexander opined that it was up to the Chair to decide if they wanted to allow the public to speak at any other time; however, the public always had the right to speak on the subject item during the public hearing section. Chair Bender asked if it was proper to ask the Board to make a motion in order to allow someone to speak. Mr. Dell interjected that normally, the comments and/or suggestions portion of the meeting was to allow the Board to discuss any issues amongst themselves in the "sunshine." Mr. Busey suggested that whatever the decision, the Board should be consistent. All agreed.

8. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 9:12 p.m.

Date Approved: _____

Chair/Board Member